

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.2212 OF 2006

Vallabh Mulji Dedhiya. ..Applicant.

Vs.

The State of Maharashtra. ..Respondent.

Mr. Shirish Gupte, Sr. Advocate for the Applicant.
Mr.R.Y.Mirza, APP. for the State.

**CORAM : R.S. MOHITE, J.
DATED : 23/6/2006.**

P.C.

1. This is an application for grant of anticipatory bail. The applicant is a builder who along with three other persons including one Chander K. Limaye are shown as an accused in C.R.No.74/2006 registered by Bhayander Police Station for alleged offence under Section-307 read with 34 of the I.P.C. and the provisions of the Arms Act. The said complaint has been registered on an F.I.R filed by another builder by name Sanjay Punmiya. On perusal of the complaint, it indicates that there was dispute between Mr. Punmiya and the present applicant over the piece of land adm. 6080 sq. mtrs. bearing Survey No.569 and 269 situated at Village Bhayander. Both the builders were claiming title in respect of the said land. On a complaint made by Mr.Sanjay Punmiya

police had earlier recorded C.R.No.67/2006 for alleged offences under Section 467, 468,471,507,420, and 334 of the I.P.C. against the present applicant and two others. The allegation was that the present applicant Vallabh and his associates had forged certain documents to lay a false claim on the disputed land. Apprehending arrest in C.R.No.67/2006 the present applicant and other accused had filed an application for anticipatory bail. While the said application was pending, the present incident had taken place on 28.5.2006. F.I.R. indicates that one day earlier to the incident on 27.5.2006 the present applicant attempted to get his dispute settled with the present applicant by using the office of Mr. Gilbert Mendonsa. That meeting was held at the residence of Mr. Gilbert Mendonsa. The present applicant and Mr. Sanjay Punmiya were present there. The complainant narrates in the F.I.R. that the meeting was a failure and at the end of the meeting the present applicant Vallabh threatened him that if he wanted to live he should give up his right over the disputed property. The complainant Sanjay however, left that meeting. The incident is said to have occurred at about 10.00a.m. on 28.5.2006. F.I.R. was lodged by Mr.Sanjay Punmiya at 10.40a.m. on the same day and he narrated that while he was driving his vehicle, his vehicle was fired by persons sitting in the santro or zen car. The police had made panchanama which indicates

that there was bullet whole in the window-panes of the complainant's car. The police have also recorded the statement of Gilbert Mendonsa who stated that there was meeting of the complainant and the present applicant on 19.2.2006 at his residence and one another person was present in the meeting and there was exchange of words between the present applicant and the Sanjay. In my view, matter requires serious investigation specially as there is use of revolver. There is some material to indicate the enmity between the applicant and the complainant. There is also material to indicate that in the meeting held on the earlier day there was some threats given and the parties have argued with each other and that the meeting had failed to resolve their dispute. In my view, this is not a fit case for grant of anticipatory bail. Hence, application is rejected.

(R. S. MOHITE, J.)